

REMARKS

By this Amendment, Applicant amends claims 37, 42, and 45. Claims 37-45 are pending in this application.

In the Final Office Action,¹ the Examiner rejected claims 37-44 under 35 U.S.C. § 103(a) as being unpatentable over O'Leary et al. (U.S. Patent No. 5,249,967) in view of Hanson et al. (U.S. Patent No. 4,786,966); and rejected claim 45 under 35 U.S.C. § 103(a) as being unpatentable over O'Leary in view of Hanson and in further view of Security CCTV, "Point-of Sale Monitoring Downsizes for Small Venues."

Applicant respectfully traverses the rejection of claims 37-44 under 35 U.S.C. § 103(a) as being unpatentable over O'Leary in view of Hanson. To establish a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must demonstrate each of three requirements. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. See M.P.E.P. § 2143.01 (8th ed. 2001). Third, a reasonable expectation of success must exist. See M.P.E.P. § 2143.02 (8th ed. 2001). Moreover, each of these requirements must be found in the prior art, not in applicant's disclosure. See M.P.E.P. § 2143 (8th ed. 2001).

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

Independent claim 37 recites a method for providing video instruction to a user including, among other things, “presenting the instructional signal to the user in real-time in a manner that allows the user to perform the physical activity while viewing the instructional signal.” O’Leary and Hanson, taken individually or in combination, do not disclose or suggest at least this element of claim 37.

In the Final Office Action, the Examiner admits “O’Leary fails to disclose that the instructional signal is presented in a manner that allows a user to view the signal while performing the activity.” See pages 2-3. However, the Examiner contends that Hanson discloses in “Figures 1-3 and in the specification a method of providing an instructional signal comprising a head mounted display 14 which projects the signal onto the eyes of the user, such that the user may view the instructional signal while performing a physical activity.” See Final Office Action, page 3. Applicant respectfully disagrees.

Hanson discloses “a weapon-mounted video display, thereby enabling military personnel to aim the weapon without assuming a line of sight position with respect to the aiming apparatus of the weapon.” See col. 1, lines 63-67. For example, according to the Hanson system, “video camera 12 is fastened to the rear portion of the rifle barrel and above the sight mechanism so as to provide an unobscured aim of the rifle.” See col. 4, line 67 to col. 5, line 2; FIG. 2. In other embodiments, “the video camera 12 and the display 14 are helmet-mounted.” See col. 5, lines 63-65; FIG. 3. Applicant has amended claim 37 for further clarity to recite “capturing a real-time signal of the user engaged in a physical activity,” which is combined with the “generated information” to result in the “instructional signal.” Hanson, however, does not disclose or suggest “presenting the instructional signal to the user,” as required by claim 37, but instead

provides a video image of terrain to a user. Furthermore, the video image does not constitute or suggest the claimed “instructional signal,” which is presented “to the user in real-time in a manner that allows the user to perform the physical activity while viewing the instructional signal,” as recited in claim 37. The video image of terrain taught by Hanson is instead independent of any physical activity in which the user may be engaged. Accordingly, Hanson does not disclose or suggest “presenting the instructional signal to the user in real-time in a manner that allows the user to perform the physical activity while viewing the instructional signal,” as recited in claim 37. Therefore, the proposed combination of O’Leary and Hanson does not disclose or suggest all of the elements of claim 37.

Moreover, Applicant respectfully submits that there is no motivation for one of ordinary skill in the art to make the Examiner’s proposed combination. The Examiner alleges “[i]t would have been obvious to one of ordinary skill in the relevant art to modify the device and method disclosed by O’Leary by providing a head mounted display for the purpose of projecting an image directly onto the eyes of the user, thus allowing the user to more easily view the signal while performing a physical activity.” See Final Office Action, page 3. However, O’Leary is directed to a video training device and method for enabling a student athlete to closely pattern his technique to that of a recognized master. See Abstract. In contrast, Hanson is directed to transmitting video signals to military personnel under covert conditions, such as views of defensive positions. See col. 1, lines 6-10 and 20-25. There is no motivation in either reference that suggests one of ordinary skill would combine Hanson’s military video camera system with O’Leary’s system for teaching a student athlete. Nor would any such

combination prove effective because Hanson does not contemplate or suggest providing instructional feedback to its user. Accordingly, the rejection of claim 37 under 35 U.S.C. § 103(a) is improper for at least this additional reason.

For at least the above reasons, the Examiner should withdraw the rejection of claim 37 under 35 U.S.C. § 103(a). Furthermore, independent claim 42, while of a different scope, includes similar recitations as claim 37, and is not disclosed or suggested by the applied references for at least the same reasons discussed above. Claims 38-41, 43, and 44 depend from claims 37 and 42, and are not disclosed or suggested by O'Leary and Hanson, whether taken individually or in combination, at least due to their dependence. Therefore, the Examiner should also withdraw the rejection of claims 38-41, 42, 43, and 44 under 35 U.S.C. § 103(a).

Applicant respectfully traverses the rejection of claim 45 under 35 U.S.C. § 103(a) as being unpatentable over O'Leary in view of Hanson and in further view of "Security." As discussed above, O'Leary and Hanson do not disclose or suggest "sending the instructional signal to a display in real-time in a manner that allows the user to perform the physical activity while viewing the instructional signal," as recited in independent claim 45.

In the Final Office Action, the Examiner applies "Security," alleging the reference discloses "obtaining real-time information, which is then combined with the real-time signal." See page 3. Even assuming the Examiner's allegation is correct, which Applicant disputes, "Security" does not compensate for the deficiencies of O'Leary and Hanson, as discussed above. That is, "Security" also does not disclose or suggest "sending the instructional signal to a display in real-time in a manner that allows the

user to perform the physical activity while viewing the instructional signal," as recited in claim 45. Accordingly, O'Leary, Hanson, and "Security," taken individually or in combination, do not disclose or suggest claim 45. The Examiner should, therefore, withdraw the rejection of claim 45 under 35 U.S.C. § 103(a).

CONCLUSION

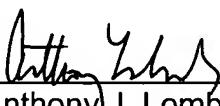
In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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